

1 William J. Wall – State Bar No. 203970

2 wwall@wall-law.com

3 **THE WALL LAW OFFICE**

4 **A PROFESSIONAL CORPORATION**

5 9900 Research Drive

6 Irvine, CA 92618-4309

7 Telephone: (949) 387-4300

8 Facsimile: (800) 722-8196

9 *Attorney for Plaintiff Samoeun Sareth*

10 2012 OCT -4 PM 2:24
11 BY _____

12 CLERK J.S. DISTRICT COURT
13 CENTRAL DIST. OF CALIF.
14 SANTA ANA

15 FILED

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

18 SAMOEUN SARETH

19 Civil Action No. SACV12 - 01714 JST (MLGx)

20 Plaintiff,

21 v.

22 EXPERIAN INFORMATION
23 SOLUTIONS, INC.

24 **COMPLAINT OF VIOLATIONS OF FAIR
CREDIT REPORTING ACT**

25 Defendant.

26 **DEMAND FOR JURY TRIAL**

27 **PRELIMINARY STATEMENT**

28 1. This is an action for damages brought by an individual consumer against the
Defendant for violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*,
as amended.

29 **JURISDICTION AND VENUE**

30 2. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

31 3. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

32 **PARTIES**

33 4. Plaintiff Samoeun Sareth is an adult individual who resides at 5522 Arboga
Road, Olivehurst, CA 95961.

5. Defendant Experian Information Solutions, Inc. is a business entity and consumer reporting agency that regularly conducts business in the Central District of California, and which has its headquarters and a principal place of business located at 475 Anton Boulevard, Costa Mesa, CA 92626.

FACTUAL ALLEGATIONS

6. Defendant has been reporting derogatory and inaccurate statements and information relating to Plaintiff and Plaintiff's credit history to third parties ("inaccurate information") from at least February 2012 through present. The inaccurate information includes numerous tradelines, including, but not limited to, an account with American Honda Finance, Cach LLC/ Collect America, Calvary Portfolio Service, Educational EMP CU, GE Capital/ Dillards, GE JC Penny, HSBC Bank, HSBC Bank Nevada, Kay Jewelers, Macy's, National Credit Adjusters, Nordstrom FSB, American General Finance, Wells Fargo Dealer Services, WFNNB/ Express, GECRB/ Banana Republic, GE Money Bank/ Gap, Target Corp and United Local CU, as well as identifying personal information.

7. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit repayment history, Plaintiff's financial responsibility as a debtor and Plaintiff's creditworthiness. The inaccurate information consists of accounts and/or tradelines that do not belong to the Plaintiff and that actually belong to at least one other consumer. Due to Defendant's faulty procedures, Defendant mixed the credit file of Plaintiff and that of at least another consumer with respect to the inaccurate information and other personal identifying information.

8. Defendant has been reporting the inaccurate information through the issuance of false and inaccurate credit information and consumer credit reports that it has disseminated to various persons and credit grantors, both known and unknown. Defendant has repeatedly published and disseminated consumer reports to such third parties from at least February 2012 through the present.

9. Plaintiff's credit report and file has been obtained from Defendant and has been reviewed by prospective and existing credit grantors and extenders of credit, and the inaccurate

information has been a substantial factor in precluding Plaintiff from receiving different credit offers and opportunities, known and unknown. Plaintiff's credit reports have been obtained from Defendant by such third parties from at least February 2012 through the present.

4 10. As a result of Defendant's conduct, Plaintiff has suffered actual damages in the
5 form of credit denial or loss of credit opportunity, credit defamation and emotional distress,
6 including anxiety, frustration, embarrassment and, humiliation.

7 11. At all times pertinent hereto, Defendant was acting by and through its agents,
8 servants and/or employees who were acting within the course and scope of their agency or
9 employment, and under the direct supervision and control of the Defendant herein.

10 12. At all times pertinent hereto, the conduct of the Defendant, as well as that of its
11 agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent
12 disregard for federal law and the rights of the Plaintiff herein.

FIRST CLAIM FOR RELIEF

VIOLATIONS OF THE FCRA

13. Plaintiff incorporates the foregoing paragraphs as though the same were set forth
14 at length herein.

17 14. At all times pertinent hereto, Experian was a “person” and a “consumer reporting
18 agency” as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

19 15. At all times pertinent hereto, Plaintiff was a "consumer" as that term is defined
20 by 15 U.S.C. § 1681a(c).

21 16. At all times pertinent hereto, the above-mentioned credit reports were "consumer
22 reports" as that term is defined by 15 U.S.C. § 1681a(d).

23 17. Pursuant to 15 U.S.C. §1681n and 15 U.S.C. §1681o, Defendant is liable to the
24 Plaintiff for willfully and negligently failing to comply with the requirements imposed on a
25 consumer reporting agency of information pursuant to 15 U.S.C. § 1681e(b).

26 18. The conduct of Defendant was a direct and proximate cause, as well as a
27 substantial factor, in bringing about the serious injuries, actual damages and harm to Plaintiff

1 that are outlined more fully above and, as a result Defendant is liable to Plaintiff for the full
2 amount of statutory, actual and punitive damages, along with the attorney's fees and the costs of
3 litigation, as well as such further relief, as may be permitted by law.

4 **JURY TRIAL DEMAND**

5 1. Plaintiff demands trial by jury.

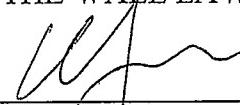
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages against the
8 Defendant, based on the following requested relief:

- 9 (a) Actual damages;
10 (b) Statutory damages;
11 (c) Punitive damages;
12 (d) Costs and reasonable attorney's fees; and
13 (e) Other and further relief as may be necessary, just and proper.

14 Respectfully Submitted,

15 THE WALL LAW OFFICE, APC

16 
17 William J. Wall
18 Attorney for Plaintiff
Samoejin Sareth

19 Dated: October 3, 2012

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Josephine Tucker and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV12- 1714 JST (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:
 William J. Wall- SBN 203970
 THE WALL LAW OFFICE
 A PROFESSIONAL CORPORATION
 9900 Research Drive
 Irvine, CA 92618
 wwall@wall-law.com

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

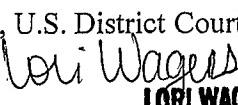
SAMOEUN SARETH	CASE NUMBER
PLAINTIFF(S) v. EXPERIAN INFORMATION SOLUTIONS, INC.	SACV12 - 01714 JST (MLGx)
DEFENDANT(S).	SUMMONS

TO: DEFENDANT(S): EXPERIAN INFORMATION SOLUTIONS, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, William J. Wall, whose address is 9900 Research Drive, Irvine, CA 92618. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: OCT - 4 2012

Clerk, U.S. District Court

LORI WAGERS
 By: _____
 Deputy Clerk



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SAMOEUN SARETH		DEFENDANTS EXPERIAN INFORMATION SOLUTIONS, INC.											
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) THE WALL LAW OFFICE, A PROFESSIONAL CORPORATION 9900 Research Drive, Irvine, CA 92618 Telephone: (949) 387-4300		Attorneys (If Known)											
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)											
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business in this State PTF DEF <input type="checkbox"/> 4											
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State PTF DEF <input type="checkbox"/> 5											
		<input type="checkbox"/> 3 <input type="checkbox"/> 3 Citizen or Subject of a Foreign Country <input type="checkbox"/> 6 <input type="checkbox"/> 6 Foreign Nation											
IV. ORIGIN (Place an X in one box only.)													
<input checked="" type="checkbox"/> 1 Original <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge													
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)													
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		MONEY DEMANDED IN COMPLAINT: \$ Subject to proof											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. §§ 1681 - 1681x Violations of the Fair Credit Reporting Act													
VII. NATURE OF SUIT (Place an X in one box only.)													
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157		<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
<input type="checkbox"/> 197 Bankruptcy <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions				<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark					
								<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))					
								<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609					

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE REVERSE SIDE OF THIS FORM, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- A. Arise from the same or closely related transactions, happenings, or events; or
 - B. Call for determination of the same or substantially related or similar questions of law and fact; or
 - C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 - D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
	Yuba County, California

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

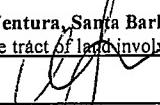
County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
Multiple locations not yet determined	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): 

Date October 3, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))